

## **CURRICULUM VITAE**

### **HOWARD N. GORNEY**

#### **ADDRESS:**

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#### **EDUCATION:**

- Suffolk University, Boston, MA, Juris Doctor 1974
- University of Pennsylvania, Phila., PA, Master of Arts 1965
- University of Vermont, Burlington, VT, Bachelor of Arts 1964

#### **PROFESSIONAL EXPERIENCE:**

- Law Firm of Nixon Peabody LLP, Boston, MA 1988-2006  
(formerly Peabody & Brown)
  - Partner 1988-2003
  - Senior Counsel 2003-2006
  - Chairman of Commercial Law Dept. 1996-1998
  - Chairman and Member of Executive Committee 1992-1999
- Partner, Law Firm of Seder & Chandler, Worcester, MA 1981-1988
- Associate and Partner,  
Law Firm of Scheier, Scheier & Graham, P.C., Acton, MA 1976-1981
- Executive Director,  
Home Builders Assoc. of Greater Lowell, Lowell, MA 1974-1976

#### **ADMITTED TO PRACTICE:**

- Supreme Judicial Court of Massachusetts;
- U.S. District Court (District of MA);
- United States Court of Appeals, First Circuit;
- United States Supreme Court

#### **REPRESENTATIVE EXPERIENCE IN LEGAL PRACTICE:**

- In re Arch Wireless Communications, Inc., U. S. Bankruptcy Court, District of MA  
Partner on team which was counsel to the Creditors  
Committee in multi-billion dollar Chapter 11 case.

- In re Metiom, Inc., U. S. Bankruptcy Court, Southern District of NY.  
Chair of the Creditors Committee representing largest unsecured creditor in multi-million dollar Chapter 11 case.
- In re Filene's Basement, Inc., U. S. Bankruptcy Court, District of MA  
Represented lessor of two major real estate facilities in Chapter 11 case of major retailer.
- In re Malden Mills, Inc., U. S. Bankruptcy Court, District of MA  
Represented debtor's largest equipment lessor.
- In re Spike Broadband, Inc., U. S. Bankruptcy Court, District of NH  
Represented secured lender to debtor.

#### TEACHING EXPERIENCE:

- Lecturer in Business Law and Real Property Law,  
Assumption College Center for Continuing Education,  
Worcester, MA 1983-1987

#### MEDIATION AND ARBITRATION QUALIFICATIONS:

- Member, Mediation Panels: U. S. Bankruptcy Court, Southern District of NY, U.S. Bankruptcy Court, District of Delaware.
- Trained mediator. Completed 40 hours of mediation training with Mediation Works, Inc. Boston, MA, in accordance with Mass. General Laws, Ch. 233 §23C.
- Panel Mediator, Financial Industry Regulatory Authority (FINRA)
- Panel Arbitrator, FINRA.
- Member, Commercial Mediation Panel, Mediation Works, Inc., Boston, MA.
- Panel Arbitrator, Mass. Office of Consumer Affairs and Business Regulation

#### REPRESENTATIVE EXPERIENCE IN ALTERNATIVE DISPUTE RESOLUTION:

- In re BRAC, United States Bankruptcy Court, District of Delaware. Mediator of Preference Litigation Cases.
- In re Oakwood Homes, United States Bankruptcy Court, District of Delaware. Mediator of Preference Litigation Cases.
- In re Corbin, United States Bankruptcy Court, Southern District of NY. Mediator of Three-Party Adversary Proceeding involving Labor Union Dispute with Debtor.
- In re Verestar, United States Bankruptcy Court, Southern District of NY. Mediator of Three-Party Adversary Proceeding and Counter Claim involving Sale of Assets of Debtor.
- Mediator-General Motors Dealer/Factory Disputes.
- Arbitrator-Construction Disputes, Commonwealth of Massachusetts, Office of Consumer Affairs and Business Regulation.

## SELECTED PUBLICATIONS

- “BAPCPA Impact on Preference Mediation,” American Bankruptcy Institute Journal, Vol. XXIV, No. 6, July/August 2005.
- “The Ordinary Course Defense to a Preference Payment: A Trade Creditor’s Impossible Dream,” 21 Emory Bankruptcy Developments Journal 163, 2004
- “Creditors: Not All Post-Petition Extraordinary Transfers Are Prohibited,” Andrews Litigation Reporter, Vol. 1, Issue 13; October 22, 2004
- “The Importance of Good Faith in Fraudulent Transfer Analysis,” American Bankruptcy Institute Journal, Vol. XXII, No. 2, March, 2003
- “Supreme Court Tips Balance in Creditors Favor,” Boston Business Journal, July 16-22, 1999 (Co-Author)
- “Compliance May Not Protect Validity of Foreclosure Sales,” Banker & Tradesman, February 3, 1997 (Co-Author)
- “Enjoining Payment of Letters of Credit Under the Bankruptcy Code,” 66 American Bankruptcy Law Journal 333
- “Elimination of 45-Day Rule of Section 547(c)(2) Requires a New Look at Preferences,” 91 Commercial Law Journal No. 3